



Lands and Realty – Mineral Conveyance to Private Owners

Conveyance of Federally Owned Mineral Interest (209)

The following is general information on the Conveyance of Federally Owned Mineral Interest as covered by Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1719(b).

Background:

Section 209(b) of FLPMA, authorizes the Secretary of the Interior to convey mineral interests owned by the United States where the surface is, or will be, in non-Federal ownership. The objective behind Section 209(b) is to allow the consolidation of surface and subsurface or mineral ownership where there are no known mineral value; or in those instances where the reservation interferes with or precludes appropriate non-mineral development and such development is a more beneficial use of the land than the mineral development.

How do I get the mineral rights to my property?

1. No specific application form is required.
2. A \$50 non-refundable filing fee must be paid at the time of filing.
3. Provide the name, address and telephone number of the applicant.
4. Show proof of ownership of the surface. A certified copy of any patent, deed, purchase contract or other document conveying land title to the applicant and a precise legal description of the property must also be provided;
5. Provide complete a statement as possible concerning:
 - a. *The nature of federally-reserved or owned mineral value in the land, if known;*
 - b. *The existing and proposed uses of the land;*
 - c. *Why the U.S. reservation of mineral interest is interfering with the proposed use of the land;*
 - d. *Why the present/proposed use of the land would be more beneficial than mineral development; and*
 - e. *A showing that the present or proposed use of the land complies with local zoning and planning requirements;*
6. A deposit of \$2,500.00 for administrative costs is required by Section 209(b) of FLPMA. The fees are used for the formal determination of the Fair Market Value of the Mineral Estate. If the costs are less than the deposit, a refund will be authorized. The processing costs may substantially exceed the amount of this initial deposit, particularly if it is determined that minerals are present which require further evaluation; and
7. When an exploratory program is found necessary, a second, much larger deposit will be required to cover the costs of conducting the program.
 - a. *The applicant would then have the option/alternative of requesting consent to conduct the exploratory program;*
 - b. *If this request is approved, the applicant would be required to submit a deposit to cover the estimated administrative costs associated with the Bureau of Land Management's evaluation of the data obtained from the exploratory program and other available data.*

Please note that fees in no way insure favorable action on an application. In addition, Section 209 of FLPMA requires the applicant to pay the fair market value (FMV) of the mineral estate prior to the conveyance of the mineral rights.

Processing Time:

The average length of time to process a Section 209 application is 6 months. This time includes the 60 days for the applicant to submit proof of surface ownership, processing costs and fair market value payment.